IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5321 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT MAZDOOR PANCHAYAT

Versus

DEESAWALA CORPORATION

Appearance:

MR NR SHAHANI for Petitioner

MR RD DAVE for Respondent No. 1

MR PREMAL JOSHI, ASSTT. GOVERNMENT PLEADER for Respondent No. 4

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 22/12/2000

ORAL JUDGEMENT

The petitioner challenges the proceedings of Civil Suit No. 467/92 pending in the Court of the learned Second Joint Civil Judge (Senior Division),

Baroda and the order dated 28.7.1992 granting interim relief on the ground that the Civil Court has no jurisdiction to entertain the Suit of this nature. The question involved in the suit is in context of Section 10 and other provisions of the Contract Labour (Regulation and Abolition) Act, 1970. It appears that the petitioner has not been joined as a party in the Suit so far. According to the learned Counsel for the petitioner, an application for joining the petitioner as a party defendant No.3 was made before the Civil Court. It appears that the petitioner has sufficient interest in the proceedings so as to be impleaded as a party defendant. Having regard to the facts and circumstances of the case, it would be appropriate for the petitioner to take up the contentions of jurisdiction alongwith its other contentions after being impleaded as a party defendant in the Suit. It is stated on behalf of the respondent contractors that they will have no objection if the petitioner is joined as a party defendant. On that being done, it will be open for the petitioner to raise preliminary issue regarding jurisdiction and if that is done, the trial Court shall consider the same and take a decision in accordance with law expeditiously, preferably within one month after such application is made. All the questions which are germane to the issue will be decided by the trial Court. Subject to these directions the petition is rejected. Rule is discharged with no order as to costs. Interim relief stands vacated.

---

*/Mohandas